

REMARKS

In the Office Action, the Examiner rejected claims 1, 15 and 27 under 35 U.S.C. §102(e), and rejected claims 10, 14, 20, 24 and 32 under U.S.C. §103(a). These rejections are fully traversed below.

Claims 1, 3-5, 13, 15, 16, 24, 27, 30, 31, 36-38 and 42 have been amended to further clarify the subject matter regarded as the invention. In addition, claims 7 and 11 have been cancelled from the application without prejudice or disclaimer. Thus, claims 1-7, 10 and 12-42 remain pending. Reconsideration of the application is respectfully requested.

In the Office Action, the Examiner rejected independent claims 1, 15, and 27 under 35 USC 102(e) as being anticipated by Lysenko et al. (US 7,089,319). Applicants respectfully disagree.

In section 9 of the Office Action, the Examiner suggests that Applicants could "... be more explicit with claim limitations." For example, in discussing claim 1, the Examiner states that "the applicant argues that claim 1 refers, not to proprietary media data but rather to information that pertains to those media items." The Examiner further states that "[t]he applicant is required to further limit the claim language if this is the intended purpose of the invention." In response to the Examiner's suggestions, and in the interest of expediting prosecution, certain claims have been clarified, including independent claims 1, 15, and 27 which have been amended to clarify the distinction between information that describes media content and the media content itself.

As a general rule, multimedia file types contain media content and, typically, information such as artist and genre information describing the media content. This extra information can be stored, for instance in the case of MP3 files, in ID3 tags. In addition, when files are stored on storage media (e.g., a hard drive), a pointer or link to each file can be typically stored (e.g., in a file system) such that the file can be located as needed. Information that describes media content and file location information can be categorized as metadata (i.e., descriptive information about data). In the present application, the term 'media information' is used in the context of describing media

items rather than to the media items themselves. For example, in paragraph [0006] of the present application, it is explained that the "invention is particularly well suited for application programs that utilize databases to store media information pertaining to media items. The media information can include properties of the media item as well as links to storage locations for corresponding media content files...."

Regarding amended claim 1 of the present application, media information is referred to specifically. In part, claim 1 recites:

(b) accessing, by a second application program, a data communication file provided by the first application program, the first application program utilizing media information about one or more media content files....

Thus, claim 1 refers, not to proprietary multimedia file types (i.e., media items), but rather to information that pertains to those media items (i.e., media information.) Lysenko neither contemplates nor discusses the exchange of media information. Instead, Lysenko et al. discusses the exchange of media content. Therefore, for at least this reason, Applicants respectfully assert that Lysenko does not anticipate claim 1 and request that the Examiner withdraw the 35 USC 102(e) rejection for claim 1.

As to independent claims 15 and 27, these claims contain elements similar to that as described above with respect to claim 1. As such, Applicants respectfully request that the Examiner withdraw the 35 USC 102(e) rejection for these claims for at least similar reasons as claim 1.

Dependent claims 2-6, 8-10, 12-14, 16-26, and 28-42 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, these claims are not anticipated by Lysenko.

The Examiner rejected dependent claims 10, 20, and 32 under 35 USC 103(a) as being unpatentable over Lysenko in view of Book et al. (US 2003/0223566) and dependent claims 14 and 24 under 35 USC 103(a) as being unpatentable over Lysenko in view of Perkes et al. (US 2002/0194601). However, neither Book et al. nor Perkes et al. overcome the deficiencies of Lysenko regarding the exchange of media information as discussed above in regards to the claims that these dependent claims

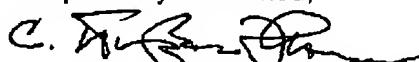
depend on. For at least this reason, claims 10, 14, 20, 24, and 32 are patentably distinct from the cited references for at least the same reasons as those recited above for the independent claims, upon which they ultimately depend. Moreover, these dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, these claims are not anticipated by any reasonable combination of Lysenko and Book et al.

SUMMARY

It is submitted that claims 1-7, 10 and 12-42 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



C. Douglass Thomas
Reg. No. 32,947

Technology & Innovation Law Group, PC
19200 Stevens Creek Blvd., Suite 240
Cupertino, CA 95014
408-252-9991
408-252-9993 (fax)